IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE DR JUSTICE G.YETHIRAJULU
WRIT PETITION NO : 16578 of 2004

Between:
R.M. Rao S/o. Bheemsingh,
R/o. Thurkawada Goam, R.R.Tanda, Mandal Kangti, Medak District.
..... PETITIONER

AND

1 APSRTC, Medak Region, Sangareddy, Medak District.
Rep. by its Regional Manager.
2 APSRTC, Bus Depot, Narayankhed, Medak District, Rep. by its Depot . . . Manager.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ or direction particularly one in the nature of Writ of Certiorari and quash the impugned proceeding No. 02/95(29)/02-NKD Dt. 27.08.2002 as confirmed by the 1st respondent vide proceedings No.PA/675(30)/03-RM,MR DT. 11.11.2003 as arbitrary, unjust, and in violation of Art. 14,16 &21 of the Constitution of India and consequently direct the respondents to restore the deferred increments along with all consequential benefits in the interest of justice and fair play.

Counsel for the Petitioner:MR.V.NARASIMHA GOUD

Counsel for the Respondents : MR.V.T.M.PRASAD, SC FOR APSRTC

The Court at the stage of admission made the following :

ORDER:

The petitioner is working as a Conductor in the respondent Corporation. He contends that his services were regularized with effect from 31-7-1995. He was imposed a punishment of deferring of increments for a period of two years with cumulative effect of postponing the future increments through proceedings dated 27-8-2002 in a disciplinary enquiry.

The grievance of the petitioner is that though the stoppage of increments with cumulative effect is a major penalty, the respondents imposed the said punishment without conducting an enquiry as prescribed under the Rules. Therefore, the order of the 2nd respondent dated 27-8-2002 is vitiated from irregularity and is liable to be set aside. The petitioner further submits that the appeal preferred by the petitioner was also dismissed by the 1st respondent by confirming the order of the 2nd respondent.

The impugned order prima facie discloses that it was passed only after receiving the explanation of the petitioner to the charge sheet. It does not indicate whether any enquiry was conducted. Since the punishment imposed on the petitioner is a major penalty, the same ought to have been imposed after conducting enquiry and after giving an opportunity to the petitioner.

In the light of the above circumstances, the order of the 2nd respondent, dated 27-8-2002 is set aside. The consequential order of

the 1st respondent dated 11-11-2003 is also set side. However, this order will not preclude the respondents for taking any action, if they so desire, according to the Rules.

The Writ Petition is allowed accordingly. No order as to costs.

Dr. G.Yethirajulu,J

16th September, 2004.
KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1. The Regional Manager.
APSRTC, Medak Region, Sangareddy, Medak District.

2 The Depot .Manager. APSRTC, Bus Depot, Narayankhed, Medak District,
3 .2CD copies

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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16th September, 2004.

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